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House Joint Resolution

A joint resolution proposing the amendment of Section 11 of Article III, Sections 4 and 9 of Article IV, and Section 23 of Article XII and the creation of Section 26 of Article XII of the State Constitution to create the Cabinet office of Commissioner of the Interior, create a Department of the Interior, and remove the constitutional mandate for a Fish and Wildlife Conservation Commission.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment of Section 11 of Article III, Sections 4 and 9 of Article IV, and Section 23 of Article XII and the creation of Section 26 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE III

LEGISLATURE

SECTION 11. Prohibited special laws.--

(a) There shall be no special law or general law of local application pertaining to:

(1) election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies;

(2) assessment or collection of taxes for state or county purposes, including extension of time therefor, relief of tax

BILL

Redraft - E

YEAR

29 officers from due performance of their duties, and relief of  
 30 their sureties from liability;  
 31 (3) rules of evidence in any court;  
 32 (4) punishment for crime;  
 33 (5) petit juries, including compensation of jurors, except  
 34 establishment of jury commissions;  
 35 (6) change of civil or criminal venue;  
 36 (7) conditions precedent to bringing any civil or criminal  
 37 proceedings, or limitations of time therefor;  
 38 (8) refund of money legally paid or remission of fines,  
 39 penalties or forfeitures;  
 40 (9) creation, enforcement, extension or impairment of liens  
 41 based on private contracts, or fixing of interest rates on  
 42 private contracts;  
 43 (10) disposal of public property, including any interest  
 44 therein, for private purposes;  
 45 (11) vacation of roads;  
 46 (12) private incorporation or grant of privilege to a  
 47 private corporation;  
 48 (13) effectuation of invalid deeds, wills or other  
 49 instruments, or change in the law of descent;  
 50 (14) change of name of any person;  
 51 (15) divorce;  
 52 (16) legitimation or adoption of persons;  
 53 (17) relief of minors from legal disabilities;  
 54 (18) transfer of any property interest of persons under  
 55 legal disabilities or of estates of decedents;  
 56 (19) hunting or ~~fresh-water~~ fishing;

BILL

Redraft - E

YEAR

(20) regulation of occupations which are regulated by a state agency; or

(21) any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. Such law may be amended or repealed by like vote.

(b) In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

# ARTICLE IV

## EXECUTIVE

### SECTION 4. Cabinet.--

(a) There shall be a cabinet composed of an attorney general, a chief financial officer, a commissioner of the interior, and a commissioner of agriculture. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law. In the event of a tie vote of the governor and cabinet, the side on which the governor voted shall be deemed to prevail.

(b) The attorney general shall be the chief state legal officer. There is created in the office of the attorney general the position of statewide prosecutor. The statewide prosecutor shall have concurrent jurisdiction with the state attorneys to prosecute violations of criminal laws occurring or having occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting or has affected two or more judicial circuits as provided by general law. The statewide prosecutor shall be appointed by the attorney general from not less than three persons nominated by the

BILL

Redraft - E

YEAR

judicial nominating commission for the supreme court, or as otherwise provided by general law.

(c) The chief financial officer shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state, and shall keep all state funds and securities.

(d) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(e) The commissioner of the interior shall have supervision of matters pertaining to the state's natural resources and scenic beauty, including fish and wildlife, except as otherwise provided by law.

(f)~~(e)~~ The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).

(g)~~(f)~~ The governor as chair, the chief financial officer, the attorney general, the commissioner of the interior, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

(h)~~(g)~~ The governor as chair, the chief financial officer, the attorney general, the commissioner of the interior, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.

BILL

Redraft - E

YEAR

SECTION 9. Department of the Interior ~~Fish and wildlife~~  
~~conservation commission.~~--There shall be a Department of the  
Interior to be responsible for conserving and protecting the  
state's natural resources and scenic beauty, including fish and  
wildlife, except as otherwise provided by law ~~fish and wildlife~~  
~~conservation commission, composed of seven members appointed by~~  
~~the governor, subject to confirmation by the senate for staggered~~  
~~terms of five years. The commission shall exercise the regulatory~~  
~~and executive powers of the state with respect to wild animal~~  
~~life and fresh water aquatic life, and shall also exercise~~  
~~regulatory and executive powers of the state with respect to~~  
~~marine life, except that all license fees for taking wild animal~~  
~~life, fresh water aquatic life, and marine life and penalties for~~  
~~violating regulations of the commission shall be prescribed by~~  
~~general law. The commission shall establish procedures to ensure~~  
~~adequate due process in the exercise of its regulatory and~~  
~~executive functions. The legislature may enact laws in aid of the~~  
~~commission, not inconsistent with this section, except that there~~  
~~shall be no special law or general law of local application~~  
~~pertaining to hunting or fishing. The commission's exercise of~~  
~~executive powers in the area of planning, budgeting, personnel~~  
~~management, and purchasing shall be as provided by law. Revenue~~  
~~derived from license fees for the taking of wild animal life and~~  
~~fresh water aquatic life shall be appropriated to the commission~~  
~~by the legislature for the purposes of management, protection,~~  
~~and conservation of wild animal life and fresh water aquatic~~  
~~life. Revenue derived from license fees relating to marine life~~  
~~shall be appropriated by the legislature for the purposes of~~  
~~management, protection, and conservation of marine life as~~

BILL

Redraft - E

YEAR

~~provided by law. The commission shall not be a unit of any other state agency and shall have its own staff, which includes management, research, and enforcement. Unless provided by general law, the commission shall have no authority to regulate matters relating to air and water pollution.~~

ARTICLE XII

SCHEDULE

SECTION 23. Department of the Interior ~~Fish and wildlife conservation commission. --~~

~~(a) The initial members of the commission shall be the members of the game and fresh water fish commission and the marine fisheries commission who are serving on those commissions on the effective date of this amendment, who may serve the remainder of their respective terms. New appointments to the commission shall not be made until the retirement, resignation, removal, or expiration of the terms of the initial members results in fewer than seven members remaining.~~

~~(b) The jurisdiction of the marine fisheries commission as set forth in statutes in effect on March 1, 1998, shall be transferred to the fish and wildlife conservation commission. The jurisdiction of the marine fisheries commission transferred to the commission shall not be expanded except as provided by general law. All rules of the marine fisheries commission and game and fresh water fish commission in effect on the effective date of this amendment shall become rules of the fish and wildlife conservation commission until superseded or amended by the commission.~~

~~(c) The creation of the Department of the Interior pursuant to the amendment to Section 9 of Article IV shall take effect~~

BILL

Redraft - E

YEAR

July 1, 2009, and on that the effective date of this amendment,  
the constitutional mandate for a fish and wildlife conservation  
marine fisheries commission and game and fresh water fish  
commission shall be removed ~~abolished.~~

~~(d) This amendment shall take effect July 1, 1999.~~

SECTION 26. Commissioner of the Interior.--The amendment to  
Section 4 of Article IV to create the Cabinet office of  
commissioner of the interior shall take effect January 6, 2009,  
with the office to be initially filled for a 2-year term at the  
2008 general election.

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 11

ARTICLE IV, SECTIONS 4 AND 9

ARTICLE XII, SECTIONS 23 AND 26

CONSERVATION AND PROTECTION OF NATURAL RESOURCES AND SCENIC  
 BEAUTY, INCLUDING FISH AND WILDLIFE.--Proposing amendment of the  
 State Constitution to create a Department of the Interior to be  
 responsible for conserving and protecting the state's natural  
 resources and scenic beauty, including fish and wildlife, except  
 as otherwise provided by law; to create the office of  
 Commissioner of the Interior, a Cabinet office filled by  
 statewide election, to have supervision of matters pertaining to  
 the state's natural resources and scenic beauty, including fish  
 and wildlife, except as otherwise provided by law, and to serve  
 with the Governor and other Cabinet officers as the State Board  
 of Administration, as Trustees of the Internal Improvement Trust  
 Fund and the Land Acquisition Trust Fund, and as the agency head  
 of the Department of Law Enforcement; to remove the  
 constitutional mandate for a Fish and Wildlife Conservation

BILL

Redraft - E

YEAR

202 Commission charged with overseeing matters relating to fish and  
203 wildlife; to preserve the prohibition against any special law or  
204 general law of local application relating to hunting or fishing;  
205 and to provide an effective date of July 1, 2009, for the  
206 creation of the Department of the Interior and an effective date  
207 of January 6, 2009, for the creation of the Cabinet office of  
208 Commissioner of the Interior, with the office to be filled at the  
209 2008 general election to an initial term of 2 years, with  
210 subsequent 4-year terms.